

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

<b>SOVERAIN SOFTWARE LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 6:07-CV-00511-LED</b>
	)	
<b>CDW CORPORATION,</b>	)	
<b>NEWEGG INC.,</b>	)	
<b>REDCATS USA, INC.</b>	)	
<b>SYSTEMAX INC.,</b>	)	
<b>ZAPPOS.COM, INC.,</b>	)	
<b>REDCATS USA, L.P.,</b>	)	
<b>THE SPORTSMAN'S GUIDE, INC.,</b>	)	
<b>AND</b>	)	
<b>TIGERDIRECT, INC.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**JOINT SUBMISSION OF CHARGE OF COURT**

Pursuant to the Court's Order of April 14, 2010, (Dkt. No. 352), Plaintiff Soverain Software LLC ("Soverain") and Defendant Newegg Inc. ("Newegg") hereby submit the following proposed Charge of the Court in the above-captioned matter.<sup>1</sup> The joint proposed Charge of the Court is attached as Exhibit A.

---

<sup>1</sup> Newegg joins this filing on the understanding that (1) the parties' "agreed" submission of any jury charge item (definition, instruction, question, or issue) is an agreement as to form only and thus is without prejudice to either party's right to object to the submission of the item to the jury on the ground that it is not sufficiently supported by the evidence or is otherwise not an appropriate submission to the jury and (2) either party's submission of any item is without prejudice to its right to request the submission of additional or modified item(s) based on intervening changes in the law, rulings by the Court, or evidence admitted at trial.

Dated: April 16, 2010

Respectfully submitted,

/s/ Kenneth R. Adamo (by Thomas L.  
Giannetti with permission)

Kenneth R. Adamo  
State Bar No. 00846960  
Lead Attorney  
Email: kradamo@jonesday.com  
JONES DAY  
2727 North Harwood Street  
Dallas, Texas 75201-1515  
Telephone: 214-220-3939  
Facsimile: 214-969-5100

Thomas L. Giannetti  
NY Attorney Reg. No. 1632819  
Email: tlgiannetti@jonesday.com  
Ognian V. Shentov  
NY Attorney Reg. No. 2867737  
Email: ovshentov@jonesday.com  
Barry R. Satine  
NY Attorney Reg. No. 1450220  
Email: barryrsatine@jonesday.com  
JONES DAY  
222 East 41st Street  
New York, New York 10017-6702  
Telephone: 212-326-3939  
Facsimile: 212-755-7306

ATTORNEYS FOR PLAINTIFF

/s/ Richard A. Sayles (by Thomas L.  
Giannetti with permission)

Richard A. Sayles  
Texas State Bar No. 17697500  
Mark D. Strachan  
Texas State Bar No. 19351500  
SAYLES | WERBNER  
A Professional Corporation  
1201 Elm Street  
4400 Renaissance Tower  
Dallas, Texas 75270  
Telephone: 214-939-8700

Facsimile: 214-939-8787

David C. Hanson  
Kent E. Baldauf, Jr.  
John W. McIlvaine  
Daniel H. Brean

THE WEBB LAW FIRM  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, Pennsylvania 15219  
Telephone: 412-471-8815  
Facsimile: 412-471-4094

Claudia Wilson Frost  
Texas Bar No. 21671300  
Jeremy J. Gaston  
Texas Bar No. 24012685  
PILLSBURY WINTHROP SHAW  
PITTMAN LLP  
909 Fannin, Ste. 2000  
Houston, TX 77010  
Claudia.Frost@pillsburylaw.com  
Jeremy.Gaston@pillsburylaw.com  
Telephone: 713-276-7648  
Facsimile: 713-276-7673

Trey Yarbrough  
Texas State Bar No. 22133500  
YARBROUGH ♦ WILCOX, PLLC  
100 E. Ferguson St., Ste. 1015  
Tyler, Texas 75702  
Telephone: 903-595-3111  
Facsimile: 903-595-0191  
trey@yw-lawfirm.com

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

This is to certify that on April 16, 2010, a true and correct copy of the foregoing document has been served on all counsel of record via the Court's ECF system.

/s/ Thomas L. Giannetti  
Attorney for Plaintiff